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ABSTRACT

This paper presents guidelines designed to provide assistance to school districts, county offices of education, and other educational agencies in carrying out the requirements of California law S.B. 179. The law was passed in 1977 by the State's legislature and required each public education agency to develop and implement an affirmative action employment program that seeks, hires, and promotes women and persons of minority, racial, and ethnic backgrounds. The statute further required the State Board to (1) include handicapped persons within the protection of the law; (2) file an affirmation of compliance with the Department of Education; and (3) file a report to the legislature by July 1, 1979, regarding the number of districts that had adopted and were maintaining affirmative action programs. The guidelines in the paper include recommendations as to the essential elements of a plan and recommended techniques for its implementation. Key terms are defined and concepts explained. Appended to the guidelines are the section of the bill on legal requirements for affirmative action (Education Code Sections 44100-44105), and California administrative code regulations. (AOS)

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GUIDELINES FOR AFFIRMATIVE ACTION EMPLOYMENT PROGRAMS

1980 Revision

Prepared by the
Office of Intergroup Relations

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CALIFORNIA STATE DEPARTMENT OF EDUCATION
Wilson Riles— Superintendent of Public Instruction
Sacramento, 1980

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GUIDELINES FOR AFFIRMATIVE ACTION EMPLOYMENT PROGRAMS

California State Department of Education
Office of Intergroup Relations
721 Capitol Mall
Sacramento, California 95814

I. BACKGROUND

In 1974, the State Board of Education adopted regulations requiring each public education agency to develop and implement an affirmative action employment program to "seek, hire and promote women and persons of minority, racial and ethnic backgrounds." The State Department of Education prepared guidelines for these programs.

In 1977, the Legislature passed S.B. 179 which placed in statute the Board's regulations with additions. Those are:

- Handicapped persons are included within the law's protection.
- An affirmation of compliance must be filed with the Department.
- The Department must report to the Legislature by July 1, 1979, regarding the number of districts which have adopted and are maintaining affirmative action programs, including their effectiveness.

In 1978, the State Board of Education repealed the regulations no longer necessary, retaining only the statement of policy and the requirement for an affirmative action program.

A. Purpose of the Guidelines:
It is the purpose of the following guidelines to assist governing boards of school districts, county offices of education and other educational agencies to carry out the requirements of the law.

B. Guideline Inclusions:
The guidelines include recommendations as to the essential elements of a plan and recommended techniques for its implementation. Key terms are defined and concepts are explained.

C. Tailoring Programs to Local Needs:
Local situations differ and methods for achieving equal employment opportunity for underrepresented and underutilized groups should be designed in accordance with local needs. It is necessary to the success of such efforts that governing boards and chief administrators establish clear policies of equal employment supported by careful planning of affirmative action programs. Successful implementation of such programs will depend on effective administration, responsive personnel and adequate training.

D. Evaluation of Affirmative Action Programs:
A continuing effort must be made to:

1. Evaluate the outcomes of each affirmative action program.

2. Provide a basis for revising goals and timetables.

3. Move toward the ultimate goal of equal participation.

II. SUMMARY OF REQUIREMENTS (Education Code Sections 44100-44105)

Education Code provisions on affirmative action programs require that:

Each local public education agency shall submit, not later than January 1, 1979, to the Department of Education an affirmation of compliance with the provisions of this article. The affirmative action employment program shall have goals and timetables for its implementation. The plan shall be a public record within the meaning of the California Public Records Act.

California Administrative Code provisions require:

Statement of Policy. It continues to be the policy of the State Board of Education to provide equal opportunity in employment for all persons and to promote the total realization of equal employment opportunity through a continuing affirmative action employment program. It is the intention of the Board to implement that policy and to implement Sections 44100 through 44105 of the Education Code as added by Chapter 1090 of the Statutes of 1977 (S.B. 179).

Development and Implementation of Programs. Each public education agency will develop and implement an affirmative action employment program for all operating units and at all levels of responsibility within its jurisdiction. Each county superintendent of schools shall render assistance in developing and implementing affirmative action employment programs to elementary school districts under his or her jurisdiction which had fewer than 901 units of average daily attendance during the preceding fiscal year, and to high school districts under his or her jurisdiction which had fewer than 301 units of average daily attendance during the preceding fiscal year, and to unified school districts under his or her jurisdiction which had fewer than 1,501 units of average daily attendance during the preceding fiscal year.

III. DEFINITIONS

Affirmative Action Program	"Affirmative action employment program" means planned activities designed to seek, hire and promote persons who are underrepresented in the work force compared to their number in the population, including handicapped persons, women and persons of minority, racial and ethnic backgrounds.

III. DEFINITIONS (Cont.)

Job Classification — One or a group of jobs having similar content, wage rates and opportunities.

Qualified — Certificated and Classified Classes - Those persons who possess relevant skills through training, experience, background and appropriate certification, as required, by specific job classes and assignments. The qualification of possessing bicultural and bilingual skills may be specified if it is deemed to be a bona fide occupational qualification.

Qualifiable — Certificated Classes

1. Those persons who possess an undergraduate or graduate degree and student teaching, but lack certain educational requirements to receive the full credential. In this instance, the person is issued a partial credential pending fulfillment of the course or courses required for the full credential.

2. Those persons who possess training and credentials, but who lack requisite experience.

Classified Classes - Those persons who possess most of the requisite skills necessary to specific job classes and assignments and who can become fully qualified by limited additional training.

Minority Groups — For purpose of these guidelines, minority groups shall include the following: Native American, Pacific Islander, Asian, Black, Filipino, and Spanish surnamed.

The above designations do not denote scientific definitions of anthropological origins. For purposes of these guidelines, an employee may be included in the group with which he or she identifies, appears to belong, or is regarded in the community as belonging.

Underrepresentation — Those employment situations in which there are significantly fewer persons of a particular grouping (handicapped persons, minorities, women, men, etc.) serving at a particular job level or holding a particular kind of position than might be expected when compared to the distribution of that grouping in the available work force.

Underutilization — Those employment situations where handicapped persons, minority group individuals and women are not placed in positions commensurate with their

III. DEFINITIONS (Cont.)

Underutilization (Cont.)	educational level, training, experience and competency.
Goals	"Goals" means projected new levels of employment of women and minority racial and ethnic groups to be attained on an annual schedule, given the expected turnover in the work force and the availability of persons who are qualified or may become qualified through appropriate training.
Timetable	The maximum time span the agency sets as the long-range (should be within five years) and short-range periods for reaching the projected goals.
Test Validation	A planned and systematic process of accumulating evidence that experience and education requirements, written and performance tests, and other employment processes and procedures used as a basis for personnel action are job related.
Adverse Effect	Results of a total employment process which causes a significantly higher percent of handicapped persons, racial and ethnical minority groups, and women in the candidate population to be rejected for employment, placement or promotion.
Spanish Surnamed	That group which includes persons of Mexican, Puerto Rican, Cuban, Latin American and Spanish descent. This designation, used for state and federal reporting purposes, is shown as a specific ethnic category because of the employment discrimination often encountered by Spanish surnamed persons.

IV. ESSENTIAL ELEMENTS OF AN AFFIRMATIVE ACTION PROGRAM

A. Governing Board's Affirmative Action Employment Policy Statement
Each public educational agency shall adopt a written policy statement which sets forth the agency's obligation and commitment to equal employment opportunities through affirmative action. The statement must include a plan to eliminate discrimination in employment, promotion, transfer, assignment, demotion and termination on the basis of handicap, race, ethnicity and sex, and must apply this concept to all levels of employment procedure.

B. Delegation of Affirmative Action Responsibilities and Duties

1. Governing Board and Superintendent - The governing board and the superintendent have the overall responsibility for ensuring affirmative action and equal employment opportunity in recruitment, assignment, promotion, retention, compensation and training; and for improving representation of handicapped persons, minority, racial and ethnic groups, and women.

IV. ESSENTIAL ELEMENTS OF AN AFFIRMATIVE ACTION PROGRAM (Cont.)

2. Affirmative Action Officer - The educational agency shall designate an affirmative action officer to administer the affirmative action program. This officer should operate within the highest administrative level and be responsible to the district superintendent. An affirmative action officer is normally responsible for, but is not necessarily limited to, the following functions:

a. Developing and implementing a districtwide affirmative action program which shall contain specific, timely, relevant and effective goals and timetables.

b. Developing procedures to assist in the identification of problems and recommending solutions to overcome any deficiences.

c. Providing guidance to all administrative and supervisory staff on matters relating to the implementation of the affirmative action program.

d. Developing and monitoring procedures to determine progress being made toward achieving the established goals and timetables.

e. Developing and executing result-oriented programs and procedures designed to eliminate underutilization in all areas where underutilization exists.

f. Establishing procedures for continuing awareness of equal employment opportunities and providing information concerning the various local, state and federal requirements for affirmative action.

g. Disseminating the agency's affirmative action policy both internally and externally, including its dissemination to minority groups and women's organizations and organizations of handicapped persons.

h. Ensuring that hires, promotions, transfers, assignments and other personnel procedures are carried out in keeping with the affirmative action policy.

i. Ensuring that all selection procedures are job-related and do not adversely affect the opportunities of handicapped persons, minorities and women.

j. Maintaining an active file of information on training institutions as possible recruitment resources for handicapped persons, minorities and women.

k. Providing continuing staff development programs to ensure continued job competency, personal development and growth of each staff member.

IV. ESSENTIAL ELEMENTS OF AN AFFIRMATIVE ACTION PROGRAM (Cont.)

l. Providing the governing board and superintendent with semi-annual reports as to the success or shortcomings of the program, including statistics, giving a breakdown of district employees by race, ethnic background, handicap and sex, as distributed among job classifications.

m. Establishing grievance procedures for employee complaints or discrimination and having the authority to recommend corrective action to the superintendent or the governing board.

n. Conducting human relations and awareness training for all staff in the district.

C. Communication of Policy

1. Internal Dissemination

a. All agency employees should be apprised of the equal employment opportunity policy and program and affirmative action plan and of the importance of the employees' participation and responsibility in ensuring the plan's implementation.

b. Meetings should be conducted with agency staff and site administrators to explain the affirmative action policy and recommend methods to facilitate its implementation.

c. Copies of the affirmative action plan shall be displayed in the administrative office of each educational agency and each school site.

2. External Dissemination

a. Written notice should be provided to all recruiting sources of the agency's affirmative action policy.

b. Community agencies and organizations and educational institutions should be notified of the policy in order to solicit their assistance in recruiting handicapped, minority and female candidates.

D. Utilization Analysis

1. The first step in developing an affirmative action program is to determine statistically the racial, ethnic, sex and handicapping condition composition of existing staff by every multi-position job title. Every facet of employment should be examined, including certificated and classified job categories, to determine how the policy of affirmative action can be implemented. Such a review should extend beyond the collecting of statistical data and should include the following:

a. An anlysis of all certificated and classified categories of employment (faculty, support staff and administration) to

IV. ESSENTIAL ELEMENTS OF AN AFFIRMATIVE ACTION PROGRAM (Cont.)

determine present utilization and underutilization of handicapped persons, minorities and women in terms of the composition of the available work force.

b. A systematic and continuing review of special skills, qualifications, and abilities of present handicapped persons, minority and women employees to determine the possibility of upgrading or lateral movement into other job classifications to achieve equitable distribution of staff (career ladders must be established to achieve such upgrading).

c. An anlysis of all positions in the work force to determine if handicapped persons, minorities and women are currently being utilized or underutilized in each category, with reference to rates of pay, responsibilities and opportunities.

2. In determing whether handicapped persons, minorities and women are being underrepresented or underutilized in any job category, the agency should consider all of the following factors:

a. The numbers and percentages of staff in each position category or job title by racial, ethnic and sex classification, and handicapping condition.

b. The availability of promotable handicapped persons, minority and women employees.

c. The general availability of handicapped persons, minorities and women having requisite skills to fill vacancies as they occur.

d. The expansion, reduction and turnover projected in the work force.

e. The existence of agency training programs, such as internships and/or institutions capable of training personnel in the requisite skills for promotional purposes.

f. The programs and training activities which the agency is able to undertake as a means of making all positions and all job classes available to handicapped persons, minorities and women.

g. The determination of whether handicapped persons, minority and women employees are afforded a full opportunity and are encouraged to participate in all agency-sponsored education training programs and activities.

E. Corrective Action

Corrective action should be initiated when any of the following conditions is found to exist:

IV. ESSENTIAL ELEMENTS OF AN AFFIRMATIVE ACTION PROGRAM (Cont.)

1. Handicapped persons, minorities and women are underutilized in specific positions or job titles.

2. Lateral or vertical movement of handicapped persons, minority or female employees occurs at a lesser rate than that of other employees in all job classifications and titles.

3. Termination rate for handicapped persons, minorities and women is higher than that of nonminorities and men.

4. Application forms, tests, interviews, and other related pre-employment material are not in compliance with local, state and federal regulations, executive orders or guidelines.

5. Entrance qualifications are not consistent with the actual functions and duties required of the position.

6. Sex designation is used when not a bona fide occupational requirement for the job in question.

7. Handicapped persons, minorities and women are underrepresented in staff training or other career improvement programs.

8. Develop seniority provisions which preclude discrimination (deliberate or inadvertent) against handicapped persons, women and racial or ethnic minorities.

9. The wage and salary structure regarding the compensation accorded to male and female employees shows disparity.

10. There is evidence of harrassment, coercion or other adverse acts.

F. Goals and Timetables

Affirmative action programs are designed to eliminate discriminatory employment practices and to achieve a staff that is representative of the multiracial and multicultural society in which the student lives.

Goals, timetables and affirmative action commitments must be designed to correct any identifiable deficiencies in representation of racial and ethnic minority groups, handicapped persons, and women at all employment levels within the agency. When deficiencies exist, the agency shall establish and set forth specific goals and timetables. Such goals and timetables shall be documented as part of the agency's written affirmative action program and shall be maintained in the agency's central office. The goals and timetables should be established in terms of the agency's analysis of deficiencies and a projection of anticipated vacancies, expansion and attrition. Thus, in establishing goals and timetables, the agency should consider the results which could be reasonably expected from its efforts to accomplish the overall goal of the affirmative action program. The educational agency's compliance efforts should be judged by the quality

IV. ESSENTIAL ELEMENTS OF AN AFFIRMATIVE ACTION PROGRAM (Cont.)

of its affirmative action program and its good-faith efforts exerted toward implementation in conformity with state and federal statutes, regulations and guidelines.[1]

The following are factors which should be considered in establishing goals and timetables:

1. Selected staff persons, advisory committees, community representatives, site administrators, employee organizations and support personnel should be involved in the goal-setting process.

2. Goals should be realistic, measurable and attainable.

3. Goals should be specific for planned results, with timetables for completion.

4. Goals are targets that are reasonably attainable by means of applying every good-faith effort to make all aspects of the affirmative action program work. They are not to be confused with rigid quotas which must be met.

5. In setting goals, reference should be made to the State of California Fair Employment Practice Commission guidelines on affirmative action.

6. Timetables should provide milestones by which progress toward goal attainment can be measured over a period of time.

G. Affirmative Action Advisory Committee

An affirmative action advisory committee should be established to assist the agency to achieve understanding and support of these employment policies and programs. This committee should assist in developing the affirmative action programs in conformity with state and federal statutes, regulations and guidelines, monitoring its progress and acting as an advisory body to the affirmative action officer.

1. Membership of the Committee - The affirmative action advisory committee should be composed of the affirmative action officer; representatives of employee organizations, both certificated and classified; selected high-level agency administrators; and representatives from those community organizations whose memberships are truly representative of racial and ethnic minority groups, groups of handicapped persons, and women. Where it seems appropriate in the judgment of the district or agency, existing advisory committees may be used.

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[1]The FEPA, Section 1410-1432, California Labor Code; Title VII of CRA as amended by the Equal Employment Act of 1972; CRA, Title VI, Higher Education Act of 1972, Title IX; Presidential directive (Executive Order 11246), October 13, 1968.

IV. ESSENTIAL ELEMENTS OF AN AFFIRMATIVE ACTION PROGRAM (Cont.)

2. Functions of the Committee

a. Advise the administration of its evaluation of the work force profile for both certificated and classified personnel.

b. Advise the administration as to goals for affirmative action and methods to accomplish these goals within clearly defined timetables.

c. Review progress and results of the affirmative action program and recommend measures for its improvement.

d. Maintain liaison among community, groups of handicapped persons, minority groups, women's groups and other interested organizations on affirmative action matters.

e. Participate in affirmative action training programs.

f. Advise the administration as to special training needs related to affirmative action and assist in planning and implementing training programs to meet these needs.

V. SUGGESTED TECHNIQUES FOR AFFIRMATIVE ACTION PROGRAM IMPLEMENTATION

A. Recruitment

It has been found that educational agencies cannot always rely on conventional methods to create a staff reflecting racial/ethnic and sex diversity and including handicapped persons. The agency should not wait for minority applicants to appear, but rather it should use affirmative action techniques which require aggressive recruiting programs, tapping all available sources to ensure that men and women of all racial and ethnic backgrounds and handicapping conditions have an opportunity to compete for employment.

The following are some recommended steps to assist an educational agency in recruiting activities:

1. Post position vacancy notices with employment development agencies and other employment agencies and institutions which comply fully with the State of California Fair Employment Practices Act.

2. Develop a list of various news media with large circulation among minority and women readers. Use such media for advertising job vacancies.

3. Use mass media and professional publications to project an image of the agency as being receptive to employing minority workers, handicapped persons, and women in positions of responsibility.

4. Use appropriate local minority, handicapped and women's organizations and agencies in recruiting efforts.

V. SUGGESTED TECHNIQUES FOR AFFIRMATIVE ACTION PROGRAM IMPLEMENTATION (Cont.)

5. Encourage minority employees to refer qualified friends and relatives for positions being advertised.

6. Work with community colleges and other higher educational institutions to seek and procure handicapped, minority and female applicants.

7. Set up an affirmative action recruitment file in order to reach handicapped, female and minority applicants.

B. Selection

1. State clearly job specifications setting forth those skills necessary to job performance and the required training and experience related to those skills. The requirements should be based on a careful analysis of the job.

2. Choose and design selection devices, such as interviews and tests, so that they are based solely on the job requirements.

3. Establish selection practices which are job-related and in compliance with existing State of California fair employment practices laws, federal executive orders and any other relevant state and federal statutes, regulations, and guidelines.

4. Ensure that tests and other selection procedures are applied equally to all applicants.

5. Provide a rejected candidate for employment or promotion a written explanation for his or her rejection when requested.

C. Review of Employment Procedures

In personnel transactions which relate to selection, assignment, promotion, transfer, demotion, discharge or termination, the decision should be based on all relevant factors. Such factors include qualifications and capabilities, the goals of the affirmative action program, the necessity of providing appropriate role models for children, special requirements to meet minority-group student and community needs and aspirations in counseling, bilingual/multicultural education, school-staff mobility and special needs for school-community relations. Length of service in the agency should not be used as the sole determinant for such decisions.

The following steps may be used to assist in developing effective employment and personnel procedures:

1. Review procedures to eliminate any possible discriminatory practices based on handicap, race, ethnicity, color or sex.

2. Display State Fair Employment Practices Commission posters where the applicants and interviewer will see them.

V. SUGGESTED TECHNIQUES FOR AFFIRMATIVE ACTION PROGRAM IMPLEMENTATION (Cont.)

3. Require that all personnel extend a friendly and courteous reception to all job applicants.

4. Assign staff to units in the agency in order to meet the educational needs of the students. Such assignments will result in a racially and ethnically diverse staff.

5. Survey and analyze entry-level classes and emphasize their availability to handicapped persons, minority applicants and women.

6. When possible, place members of the handicapped, minority groups and women in positions which allow for public interaction.

7. Maintain records on the flow of applicants through the selection process to permit a determination as to whether handicapped persons, minorities and females are adversely affected by selection procedures.

8. Review sex-tied job titles and eliminate them when appropriate.

9. Ensure that pre-employment inquiries, such as employment application forms and interviews, meet standards set by the Federal Equal Employment Opportunity Commission and the State Fair Employment Practices Commission.

10. Include handicapped persons, minority members and women on oral examination boards, recruiting teams and interviewing and selection panels.

D. Training

1. Encourage handicapped persons, minority and women employees to participate in training programs, including those which lead to certification.

2. Counsel handicapped persons, minority and women employees regarding self-improvement and advancement techniques.

3. Recognize and publicize the advancement of handicapped persons, minority and women employees in local news media.

4. Place handicapped persons, minority and women workers in the training positions which lead to skilled or management levels.

E. Promotion

1. Ensure that handicapped and minority individuals and women are aware of opportunities for promotion and are encouraged to take advantage of such opportunities.

2. Review qualifications and experience records of handicapped persons, minority and women employees to determine their eligibility for promotion.

V. SUGGESTED TECHNIQUES FOR AFFIRMATIVE ACTION PROGRAM IMPLEMENTATION (Cont.)

F. Assessment of Affirmative Action Program

1. Conduct surveys at least once annually of the agency's racial/ethnic patterns of employment by organizational unit, ethnic make-up, sex, and employment patterns of handicapped persons.

2. Devise ways of correcting any inadequacies found in the results of such surveys.

VI. STATE DEPARTMENT OF EDUCATION RESPONSIBILITY

The Department of Education, with funds appropriated for such purposes, (1) shall provide assistance to local educational agencies in adopting and maintaining high-quality affirmative action programs; (2) report to the Legislature by July 1, 1979, regarding the number of districts which have adopted and are maintaining affirmative action programs, including the effectiveness of such programs in meeting the intent of this article; and (3) develop and disseminate to public education agencies guidelines to assist such agencies in developing and implementing affirmative action employment programs.

VII. LEGAL REQUIREMENTS FOR AFFIRMATIVE ACTION

A. Education Code Sections 44100-44105 (S.B. 179, Ch. 1090)

Article 4

AFFIRMATIVE ACTION EMPLOYMENT

Sec.

44100. Legislative intent.
44101. Definitions.
44102. Affirmation of compliance.
44103. Assistance by county superintendent of schools for certain districts.
44104. Assistance by Department of Education; report.
44105. Rules and regulations.

Article 4 was added by Stats.1977, c. 1090, § 1.

§ 44100. Legislative intent

The Legislature finds and declares that:

(a) Generally, California school districts employ a disproportionately low number of racial and ethnic minority classified and certificated employees and a disproportionately low number of women and members of racial and ethnic minorities in administrative positions.

(b) It is educationally sound for the minority student attending a racially impacted school to have available to him the positive image provided by minority classified and certificated employees. It is likewise educationally sound for the child from the majority group to have positive experiences with minority people which can be provided, in part, by having minority classified and certificated employees at schools where the enrollment is largely made up of majority group students. It is also educationally important for students to observe that women as well as men can assume responsible and diverse roles in society.

(c) Past employment practices created artificial barriers and past efforts to promote additional action in the recruitment, employment, and promotion of women and minorities have not resulted in a substantial increase in employment opportunities for such persons.

(d) Lessons concerning democratic principles and the richness which racial diversity brings to our national heritage can be best taught by the presence of staffs of mixed races and ethnic groups working toward a common goal.

It is the intent of the Legislature to establish and maintain a policy of equal opportunity in employment for all persons and to prohibit discrimination based on race, sex, color, religion, age, handicap, ancestry, or national origin in every aspect of personnel policy and

practice in employment, development, advancement, and treatment of persons employed in the public school system, and to promote the total realization of equal employment opportunity through a continuing affirmative action employment program.

The Legislature recognizes that it is not enough to proclaim that public employers do not discriminate in employment but that effort must also be made to build a community in which opportunity is equalized. It is the intent of the Legislature to require educational agencies to adopt and implement plans for increasing the numbers of women and minority persons at all levels of responsibility.

(Added by Stats.1977, c. 1090, § 1.)

§ 44101. Definitions

For the purposes of this article:

(a) "Affirmative action employment program" means planned activities designed to seek, hire, and promote persons who are underrepresented in the work force compared to their number in the population, including handicapped persons, women, and persons of minority racial and ethnic backgrounds. It is a conscious, deliberate step taken by a hiring authority to assure equal employment opportunity for all staff, both certificated and classified. Such programs require the employer to make additional efforts to recruit, employ, and promote members of groups formerly excluded at the various levels of responsibility who are qualified or may become qualified through appropriate training or experience within a reasonable length of time. Such programs should be designed to remedy the exclusion, whatever its cause. Affirmative action requires imaginative, energetic, and sustained action by each employer to devise recruiting, training, and career advancement opportunities which will result in an equitable representation of women and minorities in relation to all employees of such employer.

(b) "Goals and timetables" means projected new levels of employment of women and minority racial and ethnic groups to be attained on an annual schedule, given the expected turnover in the work force and the availability of persons who are qualified or may become qualified through appropriate training or experience within a reasonable length of time. Goals are not quotas or rigid proportions. They should relate both to the qualitative and quantitative needs of the employer.

(c) "Public education agency" means the Department of Education, each office of the county superintendent of schools, and the governing board of each school district in California.

(Added by Stats.1977, c. 1090, § 1.)

VII. LEGAL REQUIREMENTS FOR AFFIRMATIVE ACTION (Cont.)

§ 44102. Affirmation of compliance

Each local public education agency shall submit, not later than January 1, 1979, to the Department of Education an affirmation of compliance with the provisions of this article. The affirmative action employment program shall have goals and timetables for its implementation. The plan shall be a public record within the meaning of the California Public Records Act.

(Added by Stats.1977, c. 1090, § 1.)

§ 44103. Assistance by county superintendent of schools for certain districts

Each county superintendent of schools shall render assistance in developing and implementing affirmative action employment programs to elementary school districts under his jurisdiction which had fewer than 901 units of average daily attendance during the preceding fiscal year, and to high school districts under his jurisdiction which had fewer than 301 units of average daily attendance during the preceding fiscal year, and to unified school districts under his jurisdiction which had fewer than 1,501 units of average daily attendance during the preceding fiscal year.

(Added by Stats.1977, c. 1090, § 1.)

§ 44104. Assistance by Department of Education; report

The Department of Education, out of funds appropriated for such purposes, (1) shall provide assistance to local educational agencies in adopting and maintaining high-quality affirmative action programs; (2) report to the Legislature, by July 1, 1979, regarding the number of districts which have adopted and are maintaining affirmative action programs, including the effectiveness of such programs in meeting the intent of this article; and (3) develop and disseminate to public education agencies guidelines to assist such agencies in developing and implementing affirmative action employment programs.

(Added by Stats.1977, c. 1090, § 1.)

§ 44105. Rules and regulations

The State Board of Education shall adopt all necessary rules and regulations to carry out the intent of this article.

(Added by Stats.1977, c. 1090, § 1.)

VII. LEGAL REQUIREMENTS FOR AFFIRMATIVE ACTION (Cont.)

B. California Administrative Code Regulations

TITLE 5
(Register 78, No. 20--5/20/78)

Chapter 4. Affirmative Action Employment Programs

Statement of Policy

Section 30. It continues to be the policy of the State Board of Education to provide equal opportunity in employment for all persons and to promote the total realization of equal employment opportunity through a continuing affirmative action employment program. It is the intention of the Board to implement that policy and to implement Sections 44100 through 44105 of the Education Code as added by Chapter 1090 of the Statutes of 1977 (S.B. 179).

Note: Authority cited for Chapter 4 (Sections 30 and 31): Article 4 (Sections 44100-44105) of Chapter 1, Part 25, Division 3, Education Code.

History: Repealer of Chapter 4 (Sections 30-36) and new Chapter 4 (Sections 30 and 31) filed 5/17/78; effective thirtieth day thereafter (Register 78, No. 20). For prior history, see Registers 77, No. 39; 75, No. 39; 74, No. 16.

Development and Implementation of Programs

Section 31. Each public education agency will develop and implement an affirmative action employment program for all operating units and at all levels of responsibility within its jurisdiction.

Other Publications Available from the Department of Education

Guidelines for Affirmative Action Employment Programs is one of approximately 450 publications that are available from the California State Department of Education. Some of the more recent publications or those most widely used are the following:

Accounting Procedures for Student Organizations (1979)	$ 1.50
An Assessment of the Writing Performance of California High School Seniors (1977)	2.75
Bicycle Rules of the Road in California (1977)	1.50
Bilingual Program, Policy, and Assessment Issues (1980)	3.25
California Guide to Parent Participation in Driver Education (1978)	3.15
California Master Plan for Special Education (1974)	1.00†
California Private School Directory	5.00
California Public School Directory	11.00
California Public Schools Selected Statistics	1.00
California School Energy Concepts (1978)	.85
California Schools Beyond Serrano (1979)	.85
Child Care and Development Services: Report of the Commission to Formulate a State Plan (1978)	2.50
Discussion Guide for the California School Improvement Program (1978)	1.50*†
District Master Plan for School Improvement (1979)	1.50*
Education of Gifted and Talented Pupils (1979)	2.50
English Language Framework for California Public Schools (1976)	1.50
Establishing School Site Councils: The California School Improvement Program (1977)	1.50*†
Foreign Language Framework for California Public Schools (1980)	2.50
Genetic Conditions: A Resource Book and Instructional Guide (1977)	1.30
Guidance Services in Adult Education (1979)	2.25
Guide for Multicultural Education: Content and Context (1977)	1.25
Guide for Ongoing Planning (1977)	1.10
Guide to California Private Postsecondary Career Education (1980)	5.00
Guidelines and Procedures for Meeting the Specialized Health Care Needs of Students (1980)	2.50
Guidelines for Evaluation of Instructional Materials with Respect to Social Content (1980)	1.15
Handbook for Instruction on Aging (1978)	1.75
Handbook for Planning an Effective Reading Program (1979)	1.50*
A Handbook Regarding the Privacy and Disclosure of Pupil Records (1978)	.85
Health Instruction Framework for California Public Schools (1978)	1.35
Improving the Human Environment of Schools (1979)	2.50
Liability Insurance in California Public Schools (1978)	2.00
Manual of First Aid Practices for School Bus Drivers (1980)	1.25
New Era in Special Education: California's Master Plan in Action (1980)	2.00
Parents Can Be Partners (1978)	1.35†
Pedestrian Rules of the Road in California (1979)	1.50
Pedestrian Rules of the Road in California - Primary Edition (1980)	1.50
Physical Education for Children, Ages Four Through Nine (1978)	2.50
Physical Performance Test for California, Revised Edition (1980)	1.50
Planning for Multicultural Education as a Part of School Improvement (1979)	1.25*
Planning Handbook (1978)	1.50*
Proficiency Assessment in California: A Status Report (1980)	2.00
Publicizing Adult Education Programs (1978)	2.00
Putting It Together with Parents (1979)	.85†
Report of the Ad Hoc Committee on Integrated Educational Programs (1978)	2.60
Science Framework for California Public Schools (1978)	1.65
Social Sciences Education Framework for California Public Schools (1975)	1.10
State Guidelines for School Athletic Programs (1978)	2.20
Student Achievement in California Schools	1.25
Students' Rights and Responsibilities Handbook (1980)	1.50†
Teaching About Sexually Transmitted Diseases (1980)	1.65
A Unified Approach to Occupational Education: Report of the Commission on Vocational Education (1979)	2.00

Orders should be directed to:

California State Department of Education
P.O. Box 271
Sacramento, CA 95802

Remittance or purchase order must accompany order. Purchase orders without checks are accepted only from government agencies in California. Sales tax should be added to all orders from California purchasers.

A complete list of publications available from the Department may be obtained by writing to the address listed above.

†Also available in Spanish, at the price indicated.
*Developed for implementation of AB 65.

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